

Return

Case No.:

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name(s) of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

Executing officer's signature

Printed name and title

ATTACHMENT A

Persons to be searched

The search of Nathan E. Wingo (DOB XX/XX/00) bodily substances that may constitute evidence of the commission of a crime, specifically, saliva.

ATTACHMENT B

Property to be seized

The property to be seized is saliva containing epithelial cells by buccal swab.

UNITED STATES DISTRICT COURT

for the
Eastern District of WisconsinIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Nathan E. Wingo (DOB XX/XX/00) bodily substances
that may constitute evidence of the commission of a
crime, specifically, saliva.Case No. **24-M-318 (SCD)**

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A.

located in the Eastern District of Wisconsin, there is now concealed (identify the person or describe the property to be seized):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18, U.S.C., §§ 2119(1) (carjacking), 924(c), and 922 (g)(1) and 924(a)(8).	Carjacking; use, brandishing, and discharge of a firearm during a crime of violence; and felon in possession of a firearm.

The application is based on these facts:

See attached Affidavit.

- ☐ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

TFO Martin Keck, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone (specify reliable electronic means).Date: 2-6-24

Judge's signature

City and state: Milwaukee, WI

Hon. Stephen C. Dries, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Martin Keck, being first duly sworn on oath, on information and belief state:

I. INTRODUCTION, BACKGROUND, TRAINING, AND EXPERIENCE:

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant to collect an oral swab of DNA from Nathan E. Wingo (DOB XX/XX/00).

2. I am a Detective for the City of Wauwatosa Police Department. I have been so employed as a law enforcement officer for over sixteen years. Since October, 2018, I have been assigned as a federally deputized Task Force Officer (TFO) on the Federal Bureau of Investigation (FBI) Milwaukee Area Violent Crimes Task Force, a multi-jurisdictional law enforcement entity charged with investigating violations of federal law, including bank robberies, commercial robberies, armed motor vehicle robberies, and other violent crime matters, defined under Title 18 of the United States Code. I have participated in the investigation of numerous violent crimes, including armed bank robberies, armed motor vehicle robberies, and armed commercial robbery investigations in violation of United States Code. I have been trained in a variety of investigative and legal matters, including the topics of Fourth Amendment searches, the drafting of search warrant affidavits, and probable cause. I have participated in criminal investigations, surveillance, search warrants, cellular telephone extractions, interviews, DNA collection, and debriefs of arrested subjects. As a result of this training and investigative experience, I have learned how and why violent actors typically conduct various aspects of their criminal activities. That while being tasked with investigating violent crimes your affiant's investigations have been aided by subpoenas, warrants and court orders related to electronic

communication records and subsequent analysis of those records; that in most of those cases, the records provided critical investigative leads and corroborative evidence.

3. Based on the investigation to date, there is probable cause to believe that Nathan E. Wingo (DOB XX/XX/00) committed two armed motor vehicle robberies in Milwaukee and Wauwatosa, Wisconsin, in May 2023, in violation of Title 18, United States Code, Sections 2119(1) (carjacking), 924(c) (use, brandishing, and discharge of a firearm during a crime of violence), and 922(g)(1) and 924(a)(8) (felon in possession of a firearm) in the Eastern District of Wisconsin on May 20, 2023. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a search warrant to collect DNA, I have not included each and every fact known to me concerning this investigation.

4. This affidavit is based upon my personal knowledge, my training and experience, and on information reported to me by other state and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. This affidavit is also based upon police reports, physical surveillance, and witness statements that I consider to be reliable as set forth herein. The facts of this Affidavit are based upon information obtained from my investigation, as well as information I have received from other law enforcement officers.

II. PROBABLE CAUSE

5. I am assisting with the investigation of two armed robbery carjackings, which occurred in May 2023 in Milwaukee, in the State and Eastern District of Wisconsin, as summarized below.

6. On Saturday, May 20, 2023, at 5:40 a.m., Wauwatosa Police Officers were dispatched to the Best Buy, located at 2401 N. Mayfair Rd., Wauwatosa, Wisconsin, for a report

of an armed robbery that had just occurred. Upon arrival, Officer Jeffrey Johnson met with the victim, herein referred to as Victim 1. Victim 1 informed officers that he had been robbed.

7. Wauwatosa Police Officer Jacob Shoman obtained a statement from Victim 1. Victim 1 stated he was at the Clark gas station, located at 3106 N. Mayfair Rd., Wauwatosa, Wisconsin. As Victim 1 was standing near the gas pumps, he was approached by a black male armed with a black handgun in his right hand. The suspect arrived in a black Toyota Rav-4. The suspect ordered the victim to give him money. Victim 1 told the suspect that he did not have any money and the suspect told Victim 1 they were going to go to an ATM. The suspect ordered Victim 1 to drive to an ATM. Victim 1 got into the driver's seat of his vehicle as the suspect got in the front passenger's seat. Victim 1 then drove to the ATM at the U.S. Bank, located at 2323 N. Mayfair Rd. The suspect ordered Victim 1 to withdraw money from the ATM. When Victim 1 did not immediately do so, the suspect struck Victim 1 in the right side of Victim 1's face. The suspect pressed the firearm against Victim 1's leg and told him to withdraw the money. The suspect then pointed the firearm towards the rear compartment of the vehicle and fired a round. The victim got out of the vehicle and ran away. As the victim ran away, the suspect fired two more rounds in the direction the victim was running. The suspect then got into the driver's seat of the victim's vehicle, a blue Jeep, and drove away.

8. Responding officers located the victim's blue Jeep parked and abandoned in the 3100 block of N. Mayfair Rd. The Jeep was transported to the Wauwatosa Police Department where it was later processed for evidence. The Jeep had previously traveled in interstate commerce.

9. Wauwatosa Police Specialist Bryan Wade processed the scene of the U.S. Bank. He located one 9mm casing in the ATM drive-thru.

10. Wauwatosa Police Det. Stephen Kirby processed Victim's 1 Jeep at the police department. He located two 9mm casings inside of the vehicle and one fired bullet.

11. Law enforcement collected video footage from the Clark gas station and the US Bank, and the footage corroborated Victim 1's statements.

12. Wauwatosa Police Specialist Bryan Wade determined that on May 20, 2023, the same day as the armed carjacking, a black 2020 Toyota Rav-4 (WI AHS-8934) was stolen in the City of Milwaukee. P.S. Wade compared photos of the stolen Rav-4 with images of the suspect vehicle from the gas station and found all of the characteristics of the two vehicles were the same.

13. Wauwatosa Det. Martin Keck obtained a copy of Milwaukee Police Report 23-140-0132 documenting the theft of the Toyota Rav-4 (WI AHS-8934). The report indicated the Rav-4 was stolen sometime between 2:00 a.m. and 7:00 a.m. on May 20, 2023. The vehicle was recovered unoccupied on May 24, 2023. At the time of recovery, the vehicle was processed for fingerprint evidence.

14. On May 28, 2023, two of the fingerprint lifts from the Toyota Rav-4 were examined by Milwaukee Police Examiner Chet St. Clair. One of the lifts was recovered from the interior driver's door and the second was recovered from a plastic cup. Both of the lifts were identified as belonging to Nathan E. Wingo (DOB XX/XX/00).

15. On May 30, 2023, Wauwatosa Police Det. Kelly Zielinski met with Victim 1. Det. Zielinski showed a photo array with Nathan E. Wingo as the target photo to Victim 1. Victim 1 identified Wingo as the individual who robbed him, shot at him, held him hostage, and stole his vehicle. Victim 1 stated during the procedure, "Yes, that's him. 100% that's him, that's the guy that robbed me at gunpoint and stole my car."

16. On May 27, 2023, at 12:41 a.m., Milwaukee Police Officers were dispatched to 21XX N. Booth Street in Milwaukee, Wisconsin, for a report of an armed robbery. Upon arrival, the officers met with and spoke to the victim, herein referred to as Victim 2. Victim 2 provided a statement to Det. English. Victim 2 stated she got out of her vehicle, a blue 2017 Toyota Rav-4 (WI 712-JHH). Victim 2 went to the trunk area of the vehicle and was approached by the suspect. The suspect pointed a black semi-automatic handgun at Victim 2 and stated, "Give me everything you have." Victim 2 gave the suspect her purse and keys. Victim 2's cell phone was stolen during the robbery. She described the cell phone as a Samsung 10 Plus. The suspect then moved the gun closer to the victim, pointed it at her chest, and she told him, "I don't have anything else." The suspect got into her vehicle and fled. Victim 2's foot was run over as the suspect fled causing bodily injury. Victim 2's Toyota Rav-4 had previously traveled in interstate commerce.

17. On May 28, 2023, at approximately 8:14 p.m., Milwaukee Police officers were advised that Glendale Police were pursuing Victim 2's stolen Toyota Rav-4 (WI 712-JHH). Glendale Police lost sight of the vehicle. Milwaukee Police Officers Terrell and Vences located the Toyota Rav-4 in the area of N. 35th St. and W. Congress St. They attempted to stop the vehicle and it fled. The officers pursued the Toyota Rav-4 for 7.5 miles. The Rav-4 obtained a flat tire after crashing into a building and the driver fled on foot in the alley behind 2468 W. Vine St. The driver was arrested and identified as Nathan E. Wingo. Wingo was in possession of a Smith and Wesson M&P Shield 9mm semi-automatic handgun at the time of his arrest. The firearm was inventoried into evidence under Property #23017225-1.

18. On May 29, 2023, Milwaukee Police Det. Michael Slomczewski showed a photo array of Nathan E. Wingo to Victim 2. Victim 2 viewed the array and positively identified Wingo as the person who robbed her.

19. On May 30, 2023, Milwaukee Police Officer Fasulo examined the firearm casings recovered from the Wauwatosa robbery and compared them to the Smith and Wesson firearm recovered from Wingo at the time of his arrest. P.O. Fasulo found the casings recovered from the Wauwatosa incident appeared to have been fired by the firearm possessed by Wingo at the time of his arrest.

20. The Smith and Wesson 9mm handgun had previously traveled in interstate commerce insofar as it was manufactured outside the state of Wisconsin.

21. Nathan E. Wingo has three prior felony convictions for armed robbery, in Milwaukee County Circuit Court case number 2017CF3950. On August 23, 2019, he was sentenced to 10 years in prison. However, on April 17, 2023, the Wisconsin Department of Corrections filed a request to authorize Wingo's release and conversion of remaining confinement time to extended supervision. On that same day, Milwaukee County Circuit Court Judge David Feiss entered an order to amend the Judgment of Conviction. On or about April 20, 2023, Wingo was released from prison and placed onto extended supervision.

22. DNA evidence was collected during this investigation. In particular, DNA swabs of the steering wheel and gear shift lever from the stolen blue Jeep from the May 20, 2023 armed robbery in Wauwatosa. The DNA evidence was analyzed by a DNA analyst at the Wisconsin State crime lab. The crime lab report from the analysis states, in summary: The swabs of the steering wheel were determined to be a two-person mixture and the swabs of the gear shifter was determined to be a four-person mixture. In both cases the developed profile is NOT ELIGIBLE

FOR CODIS ENTRY and no leads are expected. *Nonetheless, the mixtures were interpreted using STRmix and could be used for probability interpretations with a submitted suspect DNA standard.*

III. CONCLUSION

61. Based upon my training and experience, I know that by comparing the DNA collected from distinct items believed to be touched or held in connection with a robbery with the standard samples of DNA of a robbery suspect, it is possible to determine whether an individual suspected in a robbery is likely to be the person who was involved in the robbery. Based upon the aforementioned, I believe that by taking an oral swab of the inside of Nathan Wingo's cheeks, there can now be found evidence of the crimes of Armed Robbery Carjacking and Felon in Possession of a Firearm including: DNA matching that of DNA samples obtained from the evidentiary items discovered and collected after the robbery that took place on May 20, 2023.

ATTACHMENT A

Persons to be searched

The search of Nathan E. Wingo (DOB XX/XX/00) bodily substances that may constitute evidence of the commission of a crime, specifically, saliva.

ATTACHMENT B

Property to be seized

The property to be seized is saliva containing epithelial cells by buccal swab.